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Attorneys for Andrei S. Borgheriu

UNITED STATES DISTRICT COURT
Honorable Stanley A. Bastian

United States,

Plaintiff,

v.

Andrei S. Borgheriu,

Defendant.

No. 4:22-cr-06040-SAB

Defendant's Proposed Voir Dire

1 Mr. Borgheriu submits the following proposed voir dire questions:

- 2 1. Some people believe that if a person is arrested and charged with a crime, he is
3 probably guilty. Do you agree?
- 4 2. Some people believe if a defendant does not testify on his own behalf, he must
5 be guilty. Do you agree?
- 6 3. Do you have any concerns about your ability to verbally share your thoughts
7 and opinions with your fellow jurors during deliberations?
- 8 4. Do you have concerns about your ability to listen openly to the thoughts and
9 opinions of other jurors during deliberations?
- 10 5. This case involves a Small Business Administration program called an
11 “economic injury disaster loan.” Who has heard of this program?
- 12 6. Does anyone have any personal experience, or know of someone who had
13 experience, with the SBA’s COVID-era lending programs?
- 14 7. Relatedly, did anyone, or anyone you are close to, consider taking any of the
15 SBA’s COVID relief loans?
- 16 8. Did anyone, or anyone you are close to, actually take any of the SBA’s COVID
17 relief loans?
- 18 9. Does anyone have any strong feelings, favorable or not, about the United States
19 government’s handling of the COVID pandemic?

DEFENSE VOIR DIRE

1 10. More specifically, does anyone have any strong feelings, favorable or not, about
2 the United States government's handling of financial relief during the COVID
3 pandemic?

4 11. Does anyone have any strong feelings, favorable or not, about people or
5 businesses who received money under any of the government's COVID
6 pandemic funding?

7 12. Immigration has been a topic in the news for the past few months. You may
8 hear that Mr. Borgheriu and his family immigrated to the United States several
9 decades ago and became naturalized citizens. Does hearing that have any
10 immediate influence on you as to whether Mr. Borgheriu must be not guilty or
11 guilty?

12 13. Specifically, you may hear that Mr. Borgheriu immigrated from Moldova.
13 Moldova is in in eastern Europe between Ukraine and Romania, and was
14 previously part of the Soviet Union before the collapse of communism. Does
15 anyone have any preconceptions or feelings, whether generally or in light of
16 news relating to eastern Europe, that might impact your ability to fairly judge
17 the evidence in this case.

18 14. There may be some dispute over how well Mr. Borgheriu speaks and reads
19 English. For example, you may receive evidence of a recorded interview with

1 Mr. Borgheriu and some government agents. Do any of you feel that you would
2 be automatically influenced by the fact a defendant is not a native English
3 speaker? Is that something that you would hold against a defendant?

4 15. You will notice that the Court has ordered an interpreter to assist Mr.

5 Borgheriu during the trial. Federal law provided for court interpreting services
6 to ensure a defendant receives a fair trial. Do any of you feel your vote in this
7 case would be automatically influenced merely because the Court has provided
8 Mr. Borgheriu with an interpreter?

9 16. Has anyone ever owned a business or worked for someone who owned their
10 own business?

11 17. Does anyone have experience with accounting?

12 18. Does anyone have experience in the lending industry?

13 19. Does anyone have experience in the real estate industry?

14
15 Counsel proposes that it may be best for the Court to individually voir dire any
16 panel members who provide affirmative answers to propose questions 9-14. Further,
17 counsel requests time to individually voir dire prospective jurors upon completion of
18 the Court's and the United States' voir dire.
19

DEFENSE VOIR DIRE

1 Dated: February 3, 2025.

2 Federal Defenders of Eastern Washington & Idaho
3 Attorneys for Andrei S. Borgheriu

4 s/Justin P. Lonergan

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8 SERVICE CERTIFICATE

9 I certify that on February 3, 2025, I electronically filed the foregoing with the
10 Clerk of the Court using the CM/ECF System, which will notify Assistant United
11 States Attorneys Frieda Zimmerman and Jeremy Kelley.

12 s/Justin P. Lonergan

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